

Parental Liability for Support of Children in Department's Care

Rhode Island Department of Children, Youth and Families

Policy: 100.0040

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The Department of Children, Youth and Families is obligated by Rhode Island General Laws (RIGL) 42-72-13 and 42-72-14 to pay under available appropriations for the support and maintenance of any child placed in a DCYF facility (including foster family care) or a DCYF contracted facility. RIGL 15-9-1 further stipulates that whenever the Department pays such support, each parent/guardian of the child is individually liable for the reimbursement of all or a portion of such support to the Department . By federal regulation (Title IV D, as amended) the Department is mandated, with certain specific exceptions, to seek support from the parent(s)/guardian(s) of children placed in any federally reimbursable (Title IVE) placement site.

In all situations where a child is placed outside the home, whether by legal action or by voluntary consent, and the Department is paying for all or a portion of the child's support, the primary service worker shall complete a Family Court Complaint for Support Under Rhode Island Uniform Reciprocal Enforcement of Support Act (DCF #055) for each parent/guardian within five (5) working days of the placement. This form shall then be forwarded immediately to the Administrator of the Parental Support Program for processing. It is the responsibility of the Administrator of the Parental Support Program or his/her designee to decide on an individual basis whether or not to seek support from any parent/guardian based on specified criteria. If support is sought, either from one or both parent/guardian, the total amount required shall at no time exceed the cost of maintaining the child in substitute care.

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Procedure from Policy 100.0040: Parental Liability for Support of Children in Department's Care

- A. In all situations where a child is placed in a DCYF subsidized placement site, whether by legal action or by voluntary consent, the primary service worker shall complete a Family Court Complaint for Support (DCF #055) for each parent/guardian within five (5) working days of the placement.
 1. Each form shall be forwarded immediately to the Administrator of the Parental Support Program for Processing.
 2. It is the responsibility of the Administrator of the Parental Support Program or his/her designee to decide whether or not to seek support from any individual parent/guardian.
 - a. In order to receive Federal Title IVE reimbursement for qualified placements, the Department is mandated to seek support from parents/guardians.
 - b. If support is sought, either from one or both parents/guardians, the total amount required shall at no time exceed the cost of maintaining the child in substitute care.
 - c. Exceptions to seeking support from one or both parents/guardians include:
 1. Departmental services provided do not involve a paid placement.
 2. The placement site is a MHSCY facility for a qualified MHSCY Beneficiary.
 - a. The parent(s)/guardian(s) can still be held responsible for payment of clothing costs and medical coverage.
 - b. If the child is a recipient of SSI or other income subsidy or benefit, the parent(s)/guardian(s) shall continue to be payee while the child is in substitute care.
 3. The primary service worker/supervisor determines in writing with the approval of his/her Assistant Director that seeking support from a parent/guardian is not in the best interest of the child and/or will impede reunification. This must be submitted along with the completed DCF #055.
 4. The DCF Chief Legal Counsel shall determine on an individual basis whether or not parental support shall be sought or continued for any child remaining in a paid DCF placement beyond the age of eighteen (18) years.
 - d. Special circumstances which could affect the Department's determination on whether or not to seek support should be fully explained in the "Comments" section of the DCF #055A (Addendum - Family Court Complaint for Support).
 3. The receipt of a federal or state subsidy such as AFDC, GPA, SSA, SSI or Unemployment Compensation does not automatically preclude the Department from seeking parental support.
 - a. The Administrator of the Parental Support Program or his/her designee shall make this determination based on specific criteria.
 - b. Exemption from support payments is determined on an individual basis. The exemption of one parent/guardian shall in no way affect the responsibility of the other parent/guardian for support.
 4. The Department shall seek to become representative payee for any federal or state subsidy or benefit deemed exclusively for the child's care and maintenance (with the exception of MHSCY Beneficiaries) to offset the cost of substitute care (see Policy

#901 (Social Security Benefits - SSI), Policy #902 (Social Security Benefits - SSA), and Policy #903 (VA Benefits).

B. Processing of Parental Support Complaint Forms

1. The Administrator, Parental Support Program or his/her designee shall review each Family Court Complaint for Support (DCF #055).
2. Based on specific criteria the Administrator or his/her designee shall determine whether or not to file for support.
 - a. If parental support is not to be sought, no further action will be taken unless there is a change in circumstances (see within, Section C). Such information shall be recorded by the primary service worker/supervisor in the "Support" Section (Section IVII) of the Case Plan/Agreement (DCF #032).
 - b. If parental support is to be sought, the Administrator or his/her designee shall sign the DCF #055 and shall forward it to the Bureau of Family Support within ten (10) working days of receipt. In situations where a parent/guardian resides in another state, the Administrator or his/her designee shall complete and sign a Family Court Reciprocal Complaint Form in lieu of the DCF #055.
 - c. A support hearing will be scheduled by the Bureau of Family Support.
 1. The Administrator, Parental Support Program or his/her designee must attend this hearing.
 2. It is the responsibility of the Administrator or his/her designee to notify the primary service worker/supervisor of the outcome of this hearing.
 3. The primary service worker/supervisor shall record the designated amount of support in the "Support" Section (Section VII) of the Case Plan/Agreement (DCF #032).
 4. For purposes of Case Plan Review, the Administrator, Parental Support Program or his/her designee shall provide a record of support payments to the primary service worker/supervisor upon written request.

C. Redetermination/Termination of Parental Support

1. Changes in the financial situation of the parent(s)/guardian(s) could necessitate a change in the amount of parental support required.
 - a. Once a support order is finalized, only the Reciprocal Court can authorize a change in the amount of support required.
 - b. If the primary service worker/supervisor has knowledge of any change in the financial situation of the parent(s)/guardian(s), he/she shall complete an amended DCF #055A (Addendum - Family Court Complaint for Support) and shall forward it to the Administrator, Parental Support Program.
 1. The amended form must include a detailed explanation of the change(s) in financial status in the "Comments" section.
 2. If a change in the amount of support is indicated, the Administrator or his/her designee shall initiate proper proceedings through the Reciprocal Court.
2. If parental rights are terminated, the primary service worker/supervisor must notify the Administrator, Parent Support Program in writing within ten (10) working days of the termination hearing.
3. The primary service worker/supervisor shall notify the Administrator, Parental Support Program in writing at least ten (10) working days prior to both a child's eighteenth (18) birthday (if determined by the Chief Legal Counsel to no longer require parental support) and/or to the termination of a child's paid placement.